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**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

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From: vulcan@lightlink.com  
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The proposed settlement of the Microsoft anti-trust suit is a give-away to Microsoft. It does way too little to stop Microsoft's continuing unfair practices. In particular:

- The settlement as currently written appears to lack an effective enforcement mechanism.
- It allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.
- Microsoft's enterprise license agreements (used by large companies, state governments, and universities) charge by the number of computers which *\*could\** run a Microsoft operating system -- even for computers running Linux! (Similar licenses to OEMs were once banned by the 1994 consent decree.)
- It allows Microsoft to offer discounts on Windows (MDAs) to OEMs based on criteria like sales of Microsoft Office or Pocket PC systems. This allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas.
- Microsoft currently uses restrictive licensing terms to keep Open Source applications from running on Windows. Many APIs are only available as add-on SDKs which conventional commercial developers are allowed to ship with their software (and most software includes some of these, it's the cause of the so-called "Windows DLL Hell"), but this is denied to Open Source developers.
- It does not require Microsoft to list which software patents protect the Windows APIs. This leaves Windows-compatible operating systems in an uncertain state: are they, or are they not infringing on Microsoft software patents?
- It fails to prohibit intentional incompatibilities historically used by Microsoft.
- Microsoft currently uses restrictive licensing terms to keep Windows applications from running on competing operating systems.

I urge you either reject the agreement or amend it in light of the above problems.

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